

Beaver County
Beaver, UT 84713
April 2, 2007

The Board of County Commissioners met on April 2, 2007 at 10:00 a.m. for its regularly scheduled meeting. Those present were Donald J. Willden, Chairman; William L. Dalton, Member; Chad W. Johnson, Member; Bryan L. Harris, Commission Assistant; Von J. Christiansen, Attorney; and Paul B. Barton, Clerk/Auditor.

Minutes of the March 12, 2007 meeting were read. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously passed to approve the minutes.

Comm. Johnson discussed the purchase of weed spraying equipment. The proposal is to purchase a six-wheeler plus spraying equipment at a cost of \$10,500 with a cost to the county of \$5,250.00. The two soil conservation districts will share the other half of the cost. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to authorize the Chairman to execute the agreement. The County will be contracting w/BLM to provide weed abatement on the Federal ground.

The mileage reimbursement rate was discussed. The current county rate is 38.5 cents per mile. The current allowable rate from the Internal Revenue Service is 48.5 cents. After discussion, it was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to set the current rate for county travel at 48.5 cents per mile.

Enoch Swain, from the County Council On Aging, met with the Board to discuss problems with the new Milford Senior Center. There are a series of problems with the building, i.e. rain gutters, concrete, water puddling on the parking lot, door stops to outside entrances, striping on the parking lot, cracks in the ceiling, privacy issues in the restrooms, fan needed in the kitchen, problems with outside lighting, floor tile inside the building is bubbling, etc. Mr. Swain stated that the Seniors he has talked with do not want the building deeded to Milford City. There have been problems with the COA Coordinators not communicating with the County Council. Comm. Johnson suggested that Atty. Christiansen review the contract for warranty provisions and then have the County communicate with the contractor on a list of repair items. Mr. Swain would like to have the ordinance reviewed re: the County Council. The landscaping still needs to be done, and the county is going to finish this item during the coming spring and summer. Comm. Dalton stated that the construction problems with the building will be taken care of as soon as possible. Jim Sly made a statement about the organization and how it should operate.

Bonnie Bairett and Burgundy Blomquist met with the Board to request a donation of \$600.00 to the Cal Ripken Baseball League for repair of the dugouts at the fields. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to donate \$600.00 for advertising in the form of a banner, and the County will also donate 25 loads of road cinders to Beaver City for use at the city ball fields.

At 1:00 p.m., a public hearing was opened for comment on Ordinance No. 2007-03 - Default Provision for Board of Adjustment. No one commented on the ordinance. The hearing was closed at 1:05 p.m. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to adopt the ordinance.

At 1:15 p.m., a public hearing was opened for comment on the Mt. Holly Club Development Agreement. Those in attendance were Bill Treder, Julia Moore, Sheri Graham, D. Carol Riley McCulley, Margaret Wellman, Ronald Forrest, Alathear Woodury, Steven Kinross, Mark Direske, Lisa

Hendrickson, Orvis Bowers, Kevin McNeill, Alec Hornstein, Steven Bradshaw, Gayle Cooney, Jen Christensen, Erik J. Miller, P.A. Duncan, Wade Bradshaw, Geneva Harris, Irene Forrest, Mari L. Kesler, Rhonda McQuarrie, Joyce Joseph, Shirley M. Howard, Lucille P. Strong, Ken Barney, Scott Sullivan, Lonnie Olsen, Janny Hoffman, R. Scott Hoffman, Jane Campbell, Robert Campbell, Nate Robinson, Walt Kerksiek, Craig Burton, Norm Dahle, Brian Karren, Jed Burton, Terry Krasko, Ralph Smith, Rob Adams, Helen Murchie, John Murchie, Bonnie Wyman, Mark Havnes, Morris C. Sly, Vickie Waters, Cindy Mackelprang, Ken Bailey, Gary Brown, James Sly, Robin Bradshaw, Jack McMullin, Pam McMullin, Karma Mitchell, Virginia Bradshaw, Brent Stapley, Barbara Robinson, Cathy L. Baggs, ElRoy L. Stucki and Paul Anderson.

Comm. Willden opened the hearing by making a statement to treat everyone with respect. Please limit statements to approximately 3 minutes. He also stated that members of the Board have had conversations with the Developers, Home Owners Groups and citizens about this issue prior to the meeting today.

The following people made public statements on the proposed agreement:

Bruce Parker, County Consultant, explained the process that the County has followed starting with the filing of a proposed concept plan, meetings and public hearings with the Planning Commission, etc.

Craig Smith, Attorney for CPB Development, submitted proposed changes to the Agreement that have been recommended by the Planning Commission.

Margaret Wellman commented on alleged problems with the Yellowstone Club and equated these to the Mt. Holly Club. She talked about the need to provide proof on the water and would like financial information on the development.

Carol McCulley would like copies of petitions submitted to the Planning Commission to be made a part of the record.

Roger Campbell talked about the need to protect private property rights.

James Sly asked who is going to provide and pay for law enforcement in the area.

ElRoy Stucki has concerns re: development of mining resources next to Mt. Holly Club.

Rob Adams said that the building of a wastewater treatment plant was a positive for the area. State Agencies will control the development of the water. He was also in favor of upholding private property rights. He submitted written comments.

Alan Bradshaw was opposed to taking ski access for the current property owners out of the development agreement.

Bret Hansen was concerned about the water supply and would like to see the general public have access to the ski resort.

Lance Wood stated that he had purchased property with the intent of providing skiing for his family and guests. He was concerned about ski access.

Terry Krasko, from the Forest Service, was concerned about rights-of-way that provide access to the forest trail system.

Irene Forrest was concerned that page 101 of the agreement, paragraph 2 - need more than 24 hours notice.

Scott Hoffman stated he is in favor of the development and he has no concern about the water.

Mark Dureski would like access to skiing and to see a fair agreement on ski access worked out in development agreement. He was also concerned about the right to prematurely remove the trees.

Kevin McNeill was concerned with partial development and complete development of the area.

Julia Moore read a petition statement that was against the proposed development.

Steven Bradshaw was opposed to the development because of concerns of reduced water for the valley and the potential to harm the quality of the water.

Bill Treder read written comments and urged the Board to keep as much control in the agreement as possible.

Ken Barney was concerned about the exclusive nature of the resort and concerns that it be developed properly. He urged the Board to keep ski access as a part of the agreement.

Alec Hornstein urged the Board to retain the ski access clause in the agreement.

Lisa Hendrickson was concerned about water issues on the Beaver River and urged the Board to have a hydrologic study done. She stated that more time is needed to study issues related to water, sensitive species, etc.

Lonnie Olsen spoke in favor of the development because it will help the local businesses and bring needed jobs to the area.

Walt Kerksiek spoke in favor of the development to help local businesses. He was also concerned about the proper development of the water.

It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to close the hearing for oral comment at 2:30 p.m. Written comments may be submitted at the office of the County Clerk until Monday, April 9, 2007 at 12:00 noon. The matter will be placed on the April 16, 2007 meeting agenda for further action.

The Board discussed setting fees at the Minersville Lake Park. Currently, the day use fee is \$3.00 and the season "fun" pass is \$25.00. Craig Davis, Zoning Administrator, requested the day use fee be set at \$5.00 and the fun pass at \$40.00. These changes are needed because of the cost of the money receipt envelopes. It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to make the above changes. The camping fee will remain at \$17.00.

Changes to the Minersville Justice Court location were discussed. The riser has been installed for the judge. Atty. Christiansen will send a letter to the Administrative Office of the Courts informing them of the action.

Mr. Harris gave an update on the FEMA road and bridge projects. No action was taken.

Chairman Willden explained that the application deadline to apply for appointment to a Special Service District Board has been extended. The decision on appointments will be made at a later

meeting.

Comm. Johnson discussed an issue of a cost-of-living adjustment for probationary employees. During the adoption of the 2007 budget, employees on probation were budgeted for a \$.90 per hour pay raise at the end of the orientation (probation) period. No cost-of-living adjustment was budgeted. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to award a 3% COLA to employees that were in their orientation period at the time of the adoption of the budget. This includes approximately 13 employees. The increase will be given at the end of the orientation period.

Trent Brown, County Assessor, met with the Board to discuss sending a letter of support re: State Tax Commission rule change on wind electrical generation valuation changes. A proposed letter was given to Atty. Christiansen to review.

Bruce Parker, the County Consultant, met with the Board to discuss the Development Agreement with the Mt. Holly Club.

It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to close the meeting to discuss the character, professional competence or physical or mental health of an individual. Those present were members of the Board, Atty. Christiansen, Mr. Harris, Mr. Barton, Sandi Cosbey, Norma Foster and Leonard Brown. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously passed to return to open session at 3:35 p.m.

It was moved by Comm. Johnson and seconded by Comm. Dalton to uphold the decision of the County Council on Aging to terminate the employment of Ms. Cosbey without cause being a probationary employee.

It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously passed to approve the Harris Willis Irrigation Company Agreement related to the pedestrian trail and authorize the Chairman to sign the agreement.

Commissioner Willden presented the Board with a Thank You letter from the Beaver Youth Basketball.

Bills on file were approved for payment.

There being no further business, the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor

Beaver County
Beaver, UT 84713
April 12, 2007

The Board of County Commissioners met on April 12, 2007 at 9:00 a.m. for a special meeting. Those present were William L. Dalton, Member; Chad W. Johnson, Member; Von J. Christiansen, Attorney; Leo G. Kanell, Deputy Attorney; Trent Brown, Assessor; Bryan L. Harris, Commission Assistant; Doug Erickson, Road Supervisor; and Paul B. Barton, Clerk/Auditor.

This was a special meeting to discuss assessment of the wind electrical generation project north

of Milford. Also present for discussion telephonically were Richard Waddingham, Thomas Peters, Karl Hendrickson and Brent Eyre.

Thomas Peters discussed his concerns in regards to the proposed rule change before the State Tax Commission on valuing wind projects. Brent Eyre discussed his concerns in using the discounted cash flow model proposed by UPC Wind.

A meeting will be set for sometime around April 23, 2007 in Fillmore to discuss the issues with UPC Wind officials.

There being no further business, the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor

Beaver County
Beaver, UT 84713
April 16, 2007

The Board of County Commissioners met on April 16, 2007 at 10:00 a.m. for its regularly scheduled work meeting. Those present were Donald J. Willden, Chairman; William L. Dalton, Member; Chad W. Johnson, Member; Von J. Christiansen, Attorney; Bryan L. Harris, Commission Assistant; and Paul B. Barton, Clerk/Auditor.

The Board met to discuss the Development Agreement for Mount Holly Club located within Beaver County, Utah including the Mount Holly Club site development plan. Craig Davis, County Planning & Zoning Administrator and Bruce Parker were present. Mr. Parker is a consultant hired by the County to assist in the writing of the development agreement.

Comm. Willden welcomed everyone to the meeting and stated that the Board has read every written comment submitted on the proposed development and that the Board would do its best to make the proper decisions.

Mr. Parker reviewed the proposed agreement. The first item discussed was on page 26 - Section 16 - Storm Drainage and Flood Control Facilities and Services. The County and the State Department of Environmental Quality (DEQ) will play a role in this important function. The language was broadened to allow different ways to control sedimentation and control of surface water during construction. Norm Dahle, Craig Smith and Craig Burton, from CPB Development, were invited to the table to answer questions re: this issue and further discussions.

The Board reviewed Section 17 - Water Quality Protection. The agreement would allow Beaver City Corp. to conduct any testing of the water they deem necessary at the City's expense. Water quality monitoring stations will be installed at Lake Stream, North Fork of Three Creeks and other locations identified by the Owner or as required by the Division of Water Quality (DWQ).

Section 12 - Culinary Water Facilities and Services. The language on 1 c) was discussed to clarify its intent. A change was made to the last sentence to state "prior to *final approval* of a Land Use Application." It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to make the change in language.

Section 20 - Public Access Trails was reviewed. A public trail on the north end of Puffer Lake connecting the Line Shack and Tushar Ridge Spur trails needs to be resolved with the County, the Developer and the Forest Service. If the Developer acquires the SITLA property, a trail across this property needs to be acknowledged as a public trail. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to add the above language to 1 a) of Section 20 of the agreement.

Part F - Other Amenities, Improvements, Services, and Amenity Items was reviewed. Paragraph 3 will state "After recordation of the first subdivision plat, and in the interests..." It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to make the above change.

Part G - Ski Facilities Access Ski Obligation was discussed. The Developer would like alternative language submitted to state *"Despite the private and exclusive nature of the project, it is the intent of the Owner to extend, as courtesy, to owners of neighboring properties within the areas known as West Village Unit No. 1, Pinnacle Club, Elk Meadows Estates, and Fir Haven Condominiums, the opportunity of skiing within the Project Area. Such courtesy would be extended on a case-by-case basis and on such terms as may be determined by the Owner in its sole and absolute discretion"*. Mr. Smith explained the Owner's position. It was moved by Comm. Dalton to follow the Planning Commission recommendation for this portion of the agreement. Comm. Johnson stated that he could not second the motion. Comm. Willden stated he would like to have an agreement reached on ski access. Comm. Willden invited Brent Stapley to read the revised Owner's language and was asked if the present Condo owners could live with it. He stated no. The motion made by Comm. Dalton died for lack of a second. Comm. Johnson stated that he believes it is a private property issue between the homeowners. Comm. Johnson moved to remove Part G from the agreement. The chair was passed to Comm. Dalton. Comm. Willden seconded the motion. A vote was called. Comm. Willden and Comm. Johnson voted in favor of the motion. Comm. Dalton voted against the motion. The chair was passed back to Comm. Willden.

Section 22 - Puffer Lake Public Access was discussed. The Developers presented alternate language for the public access to the lake, shoreline, and roads. No change was made to the Planning Commission recommendation. Exhibit "L" will have the line on the lake removed relating to public access.

The Owners requested an Exhibit N be added to the document. Mr. Parker stated that he believed that the exhibit was not necessary.

The Board discussed further action on the agreement. It was moved by Comm. Dalton and Comm. Johnson to approve the agreement with the changes made by motion during the meeting. All voted in favor of the motion. A completed agreement will be placed on the May 7, 2007 meeting agenda to adopt the agreement in ordinance form.

There being no further business, the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor

Beaver, UT 84713

April 30, 2007

The Board of County Commissioners met on April 30, 2007 at 10:00 a.m. for a special meeting. Those present were Donald J. Willden, Chairman; William L. Dalton, Member; Chad W. Johnson, Member; Bryan L. Harris, Commission Assistant; Von J. Christiansen, Attorney; and Paul B. Barton, Clerk/Auditor.

The Board was meeting to consider adoption of Ordinance No. 2007-04 - A Development Agreement for Mount Holly Club located within Beaver County, Utah and including the Mount Holly Club Site Development Plan. Also present for the discussion was Craig Davis, County Planning & Zoning Administrator and Bruce Parker, Planning Consultant.

Mr. Parker reviewed the agreement contents with the Board. Mr. Christiansen has reviewed the agreement and the proposed ordinance.

Mr. Christiansen reviewed an appeal filed by Alan Bradshaw on behalf of Mt. Holly Condominium Association, Mt. Holly Village Condominiums, Snowflake Condominium Association, Four Seasons Condominium Association and Holly Ridge Condominium Association. The first part of the appeal has to do with Ordinance No. 2007-03 relating to the default provisions related to the Board of Adjustment. The ordinance is invalid because the Planning Commission did not hold a public hearing on the adoption of the ordinance. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to declare the ordinance invalid.

The second part of the appeal relates to how the appeal relates to the existing county ordinance. Mr. Christiansen stated that the appeal is not ripe because the ordinance has not been enacted and secondly, even if the appeal is ripe, the County Commission does not have jurisdiction to hear an appeal of its own decision. Likewise, a Board of Adjustment does not have jurisdiction under county ordinance to hear appeals of the enactment of a county ordinance. It only has authority to hear appeals from zoning decisions applying the zoning ordinance, special exceptions to the terms of the zoning ordinance, variances from the terms of the zoning ordinance and determinations of nonconforming buildings and uses. Proper venue is in the District Court. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to summarily deny the second part of the appeal.

Mr. Parker reviewed the ordinance in detail. After review, it was moved by Comm. Johnson and seconded by Comm. Dalton to adopt Ordinance No. 2007-04. All voted in favor of the motion.

There being no further business, it was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to adjourn the meeting.

APPROVED _____
Chairman

Clerk/Auditor
